

MARINE SAFETY MANUAL

CHAPTER 6. TERRORISM AND CIVIL DISTURBANCE

CONTENTS

<u>SECTION</u>		<u>PAGE</u>
6.A.	Introduction	6-1
6.A.1.	Purpose And Objectives	6-1
6.A.1.a.	Counterterrorism	6-1
6.A.1.b.	Anti-Terrorism	6-1
6.A.2.	Legal Authorities	6-2
6.A.3.	IMO Measures	6-3
6.A.4.	Definitions	6-3
6.A.4.a.	Terrorism	6-3
6.A.4.b.	International Terrorism	6-3
6.A.4.c.	Terrorism Supporting Nation	6-3
6.A.4.d.	State Directed Terrorism	6-3
6.A.4.e.	State Supported Terrorism	6-4
6.A.4.f.	Non-State Support Terrorism	6-4
6.A.4.g.	High Risk Personnel	6-4
6.A.4.h.	Piracy	6-4
6.A.4.e	Counterterrorism	6-4
6.A.4.f.	Anti-Terrorism	6-4
6.A.5.	Types Of Terrorists	6-4
6.A.6.	Terrorist Group Classifications	6-5
6.A.6.a.	Organizational Terrorism	6-5
6.A.6.b.	Insurgent Terrorism	6-5
6.A.6.c.	State Sponsored Terrorism	6-5
6.A.7.	Terrorist Philosophy	6-6
6.A.8.	Terrorist Goals	6-7
6.A.8.a.	Recognition	6-7
6.A.8.b.	Legitimacy	6-7
6.A.8.c.	Sensationalism	6-7
6.A.8.d.	Propaganda	6-7
6.A.9.	Tactics Of Terrorist Acts	6-7
6.A.10.	Phases Of A Terrorist Incident	6-8
6.A.10.a.	Pre Incident Phase	6-8
6.A.10.b.	Initiation Phase	6-8
6.A.10.c.	Negotiation Phase	6-8
6.A.10.d.	Climax Phase	6-8
6.A.10.e.	Post Incident Phase	6-8
6.A.11.	Terrorist Organization	6-8
6.A.11.a.	Hardcore Leadership	6-8
6.A.11.b.	Active Cadre	6-8
6.A.11.c.	Active Supporters	6-9
6.A.11.d.	Passive Supporters	6-9
6.A.12.	Terrorist Configuration	6-9
6.A.13.	Terrorist Trends	6-9

MARINE SAFETY MANUAL

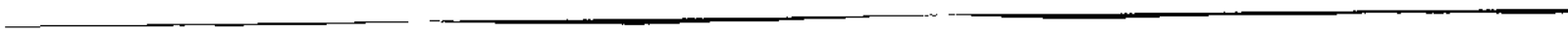
CONTENTS

<u>SECTION</u>		<u>PAGE</u>
6.B.	Counterterrorism	6-10
6.B.1.	Policy, Responsibility, And Jurisdiction	6-10
6.B.1.a.	Coast Guard	6-10
6.B.1.b.	Federal Lead Agencies	6-10
6.B.1.c.	State/Local Law Enforcement	6-12
6.B.1.d.	Multinational	6-12
6.B.1.e.	Facility/Vessel Owner/Operator Responsibility	6-12
6.B.2.	Planning And Response Considerations	6-12
6.B.2.a.	General	6-12
6.B.2.b.	Response Objectives	6-13
6.B.2.c.	Counterterrorism Planning	6-13
6.B.2.d.	Intelligence	6-13
6.B.3.	Response Organization	6-13
6.B.3.a.	Terrorism Response Coordinator (TRC) Designation	6-14
6.B.3.b.	Regional Command Post (RCP)	6-14
6.B.3.c.	Crisis Management Team (CMT)	6-14
6.B.3.d.	Federal Forces Commander (FFC)	6-14
6.B.4.	Operational Response Phases	6-15
6.B.4.a.	Awareness Phase	6-15
6.B.4.b.	Initial Response Phase	6-15
6.B.4.c.	Negotiation Phase	6-16
6.B.4.d.	Assault Phase	6-16
6.B.4.e.	Incident Conclusion	6-17
6.B.5.	Coordinating Instructions	6-18
6.B.5.a.	Delegation Of Authority	6-18
6.B.5.b.	Command And Control	6-18
6.B.5.c.	Coast Guard/Federal Agencies	6-18
6.B.5.d.	State/Local Agencies	6-18
6.B.5.e.	Termination Of Activities	6-19
6.B.6.	Public Information	6-19
6.B.6.a.	Advance Planning	6-19
6.B.6.b.	Public Affairs Action	6-19
6.B.6.c.	Media Relations	6-20
6.C.	Anti-Terrorism	6-23
6.C.1.	Policy, Responsibility, And Jurisdiction	6-23
6.C.1.a.	Coast Guard	6-23
6.C.1.b.	Multinational	6-23
6.C.1.c.	Facility/Vessel Owner/Operator Responsibility	6-23
6.C.2.	Security Surveys	6-23
6.C.3.	Terrorist Threat Conditions (THREATCON)	6-24
6.D.	Piracy	6-24
6.E.	Civil Disturbance	6-25

MARINE SAFETY MANUAL

CONTENTS

<u>SECTION</u>		<u>PAGE</u>
6.E.1.	Coast Guard Involvement In Maritime Labor Disputes	6-25
6.E.1.a.	Coast Guard's Obligation	6-25
6.E.1.b.	COTP Preplanning	6-25
6.E.1.c.	Picket Lines	6-26
6.E.1.d.	Armed Personnel	6-27
Enclosure (6-1):	Maritime Counterterrorism Contingency Plan Model	6-1-1



MARINE SAFETY MANUAL

CHAPTER 6. TERRORISM AND CIVIL DISTURBANCE

A. Introduction. The threat of maritime terrorism incidents in the U.S. has been negligible, but may be prone to increase given the rise of terrorism internationally as a political tool. Few events attract as much worldwide attention as terrorist acts. Terrorism, as a societal threat, demands increasing attention for two important reasons: 1) potential weapons available now, and in the future, open the possibility of widespread destruction and death despite the fact that only a handful of individuals may be involved; and, 2) successful terrorist activity encourages its continued use as a political medium. The Coast Guard is often the agency the public calls upon to respond to port emergencies. This, together with the fact that the Coast Guard is the agency with regulatory responsibility for the safety and security of vessels and waterfront facilities, warrants our attention. Also contained in this chapter is the subject of civil disturbance. It is often difficult to distinguish between the two in the early stages of any given circumstance. Additionally, what might be a "peaceful" civil disobedience at the start may turn violent and utilize many of the same tactics that terrorists use.

1. Purpose And Objectives.

- a. Counterterrorism. The policy of the United States is to treat terrorists as criminals and not combatants or freedom fighters. This policy is based in part on a precept that terrorists as criminals do not have the legitimacy, of organization or objectives, accorded combatants from a bona fide nation. The goal of a Coast Guard counterterrorism response is to minimize the threat to public safety through non-violent resolution of incidents and to enforce the law. The Coast Guard must be prepared to coordinate activities with the FBI and other law enforcement agencies to contain and stabilize a terrorist incident or act. This approach is designed to prevent an escalation of unnecessary damage through overreaction. The fact that the Coast Guard may be the most readily available resource in some localities, coupled with the COTP's responsibilities for port safety and security, is a basis for Coast Guard preparation. The Coast Guard must be prepared to act in traditional law enforcement incidents that may not be initially recognized as terrorist incidents. However, the primary role of the Coast Guard in counterterrorism is to support the agencies formally designated to lead Federal counterterrorism activity. It is the policy of the Coast Guard that the designated lead agency, once on scene, is ultimately responsible for deciding when and whether to request Coast Guard resources as well as when and whether to conclude negotiations and employ a tactical assault option.
- b. Anti-Terrorism. The goal for the Coast Guard anti-terrorism program is to reduce the risk of a maritime terrorist incident by reducing the vulnerability of ships and facilities through implementation of security measures and procedures. Although at the time of publication

MARINE SAFETY MANUAL

- 6.A.1. b. (cont'd) of this manual, the threat of terrorism to the U.S. as a nation was assessed as negligible, the threat can change in a moments notice and can vary from locality to locality. To reduce the risk of terrorist incidents, within a given threat environment, the vulnerability of a facility and/or a vessel must be reduced. Since all U.S. ports and passenger vessels are unique, the Coast Guard policy is that anti-terrorism programs can best be implemented on a port-by-port and ship-by-ship basis utilizing the International Maritime Organization's Measures To Prevent Unlawful Acts Against Passengers And Crews On Board Ships. Current policy is to promote voluntary implementation and compliance with the IMO measures. It is hoped that voluntary action will preclude the need for mandatory regulations under the authority of the Omnibus Diplomatic Security and Anti-terrorism Act of 1986, Public Law 99-399.
2. Legal Authorities. The basic law enforcement authority of the U.S. Coast Guard is derived from 14 U.S.C. 2 and 89. The Magnuson Act of 1950, as amended (50 U.S.C. 191) provides the Coast Guard with broad authority to ensure the safety and security of U.S. ports and the vessels therein. Under 14 U.S.C. 141, the Coast Guard may also avail itself of the services of any Federal or state agency with the consent of the head of that agency.
- a. 14 U.S.C. 2 - "The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States." 14 U.S.C. 2 is the basic authority for the Coast Guard to engage in contingency planning for terrorist incidents on the high seas and U.S. waters. Numerous Federal criminal laws may apply to a terrorist incident.
 - b. 14 U.S.C. 89 - Coast Guard law enforcement. 14 U.S.C. 89 states in part "The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of law of the United States."
 - c. 50 U.S.C. 191 - Magnuson Act. Provides authority for subversive/terrorist planning/action for the protection of vessels, harbors, ports, and waterfront facilities.
 - d. E.O. 10173 as amended. Implements the Magnuson Act. Authority for the COTP to set security zones and control access to vessels and waterfront facilities.
 - e. 33 U.S.C. 1221 et. sec. - Ports and Waterways Safety Act. Gives district commanders and COTP's broad discretionary powers to direct the movement and operations of vessels.
 - f. 43 U.S.C. 1331, et. sec. - Outer Continental Shelf Lands Act. Allows the laws of the U.S. to be applied to Outer Continental Shelf Lands Act structures and provides for the establishment of safety zones.

MARINE SAFETY MANUAL

- 6.A.2. g. 33 U.S.C. 1501, et. sec. - Deepwater Ports Act. Allows the laws of the U.S. to be applied to deepwater ports licensed under the act.
- h. P.L. 99-399 - Omnibus Diplomatic Security and Anti-terrorism Act of 1986. 46 U.S.C. 1801 et sec., 33 U.S.C. 1226. Addresses domestic and international actions for prevention of terrorist acts.
- i. Article 101, U.N. Convention on the Law of the Sea (UNCLOS III), Piracy.

3. International Maritime Organization's "Measures To Prevent Unlawful Acts Against Passengers And Crews On Board Vessels."

- a. The International Maritime Organization is a specialized agency of the United Nations that deals with maritime safety and environmental issues. In November 1985 the Assembly of that organization directed the Maritime Safety Committee (MSC) to develop technical and practical "measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews." A working group developed provisional draft measures to improve security of ports and ships based on proposals submitted by the U.S.
- b. On September 12, 1986, at the 53rd session of the MSC, the recommended measures were unanimously adopted, published as MSC Circular 443, and promulgated to the 127 member governments of the IMO. (MSC Circular 443 is included beginning on page 2-1-1 in this volume.)
- c. These internationally agreed upon recommendations are located in Annex 14 of MSC Circular 443.

4. Definitions:

- a. Terrorism. There is no universally accepted definition of terrorism. For the purposes of this manual terrorism is the calculated use of violence or the threat of violence to attain goals, often political or ideological in nature, through instilling fear, intimidation, or coercion, or indirectly by affecting attitudes, emotions, or opinions. It usually involves a criminal act often symbolic in nature and intended to influence an audience beyond the immediate victims.
- b. International Terrorism. Terrorism that involves citizens or territory of more than one country.
- c. Terrorism Supporting Nation. A nation designated by the Secretary of State, under 50 U.S.C. App. 2405(j), as having repeatedly provided support for acts of international terrorism. The designation is made in the Federal Register and is located in Title 15 Code of Federal Regulations (International Trade Administration, Commerce) Part 785.
- d. State Directed Terrorism. Terrorist groups that operate as agents of a government, receiving substantial intelligence and logistical and operational support from the sponsoring government.

MARINE SAFETY MANUAL

- 6.A.4. e. State Supported Terrorism. Terrorist groups that generally operate independently, but receive support from one or more governments.
- f. Non-State Support Terrorism. Terrorist groups that operate autonomously, receiving no significant support from any government.
- g. High Risk Personnel. U.S. personnel and family members whose grade, assignment, travel itinerary, or symbolic value, may make them attractive or accessible terrorist targets.
- h. Piracy. Article 101 of the 1982 U.N. Convention on the Law of the Sea (UNCLOS III) states that:
- (1) "piracy consists of any of the following acts:
- (a) Any illegal acts of violence, detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or aircraft, and directed:
- (i) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; or
- (ii) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.
- (b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft.
- (c) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)."
- i. Counterterrorism. Offensive measures taken to deter and respond to a terrorist incident. It includes hostage negotiation and the assault option.
- j. Anti-Terrorism. Defensive measures taken to prevent or deter the occurrence of a terrorist incident by "hardening the target." It includes physical and procedural security measures as outlined in the IMO "Measures To Prevent Unlawful Acts Against Passengers And Crews On Board Vessels."
5. Types Of Terrorists.
- a. National Terrorist. A terrorist who operates and aspires to political power primarily within a single nation.

MARINE SAFETY MANUAL

- 6.A.5. b. Trans-National Terrorist. One who is prepared to operate in his own cause, any other cause or any territory, and against any target, whenever and wherever it might seem appropriate for his purposes.
- c. International Terrorist. A terrorist who is controlled by and whose actions represent the national interests of a sovereign state.
6. Terrorist Group Classifications. It is possible to discern several variants of terrorism among its practitioners; although these variants have distinctive characteristics, they also frequently overlap.
- a. Organizational Terrorism.
- (1) Mostly small, tightly knit, and politically homogeneous, such groups are incapable of developing popular support for their radical positions and therefore resort to terrorism to gain influence. Examples include the Red Army Faction (RAF) and the Revolutionary Cells in West Germany, the Red Brigades in Italy, Direct Action in France, and 17 November in Greece.
 - (2) Other organizational terrorist groups have become transnational in their terrorist reach and have the potential to conduct terrorism almost anywhere in the world. The most notorious example of a transnational terrorist group that is basically of the organizational variant is the Abu Nidal Organization (ANO), a radical Palestinian group that has targeted civilians indiscriminately in its terrorist operations in many different countries. Others include the Popular Front for the Liberation of Palestine-Gulf Command (PFLP-GC), the Japanese Red Army (JRA), and the Armenian Secret Army for the Liberation of Armenia (ASALA).
- b. Insurgent Terrorism. Insurgencies can be ethnic, separatist, or countrywide. Normally, insurgencies are wide scale revolts against the established government conducted by paramilitary or guerilla forces operating within the boundaries of the state under siege. These insurgent forces, however, frequently have a terrorist component seeking to undermine the government's credibility, legitimacy, and public support by directing terror at civilians. Examples of insurgent terrorist groups are the New People's Army (NPA) in the Philippines; the Farabundo Marti National Liberation Front (FMLN) in El Salvador; the Revolutionary Armed Forces of Columbia (FARC), the National Liberation Front (ELN), the Popular Liberation Army (EPL), and the 19 April Movement (M-19) in Columbia; and Sendero Luminoso (SL) in Peru.
- c. State Sponsored Terrorism. Direct sponsorship or abetment of terrorist groups and their actions by sovereign states.

MARINE SAFETY MANUAL

- 6.A.6.c. (1) State sponsorship serves to make this terrorism deadlier and lengthens the reach of the terrorist activities. Iran, Afghanistan, Libya, North Korea, and Syria are the most notorious state sponsors of terrorism. State sponsorship can take place at varied levels: conducting actual terrorist operations; providing encouragement, direction and material assistance to terrorist groups conducting their own attacks, which are also in the sponsoring state's interest; providing weapons, explosives, training, safe passage, safe haven, and ideological justification. States sponsor terrorism for various reasons. Some do so to complement other instruments of state policy to achieve foreign policy objectives that could not otherwise be achieved through conventional, political, or military means. Some states sponsor terrorism to create or expand their power and influence among ideological or religious movements, or as a means of establishing credentials within revolutionary movements worldwide. Still other state-sponsored terrorist incidents are directed at stifling domestic opposition through selective assassination of dissidents aboard.
- (2) For the most part, the state sponsors of terrorism attempt to hide their involvement through proxies and other means. Their actions frequently are difficult to trace, so they can maintain respectability and legitimacy in the world community while covertly sponsoring subversion and terror to achieve their goals.

7. Terrorist Philosophy. The following are characteristics common to a majority of terrorist acts:
- a. Use of violence as a means of methodical persuasion.
 - b. Selection of targets and victims with maximum propaganda value.
 - c. Use of unprovoked attacks.
 - d. Selection of acts that gain maximum publicity with minimum risk to terrorist.
 - e. Use of surprise to overcome countermeasures/preventative measures.
 - f. Use of threats, harassment, and violence to create an atmosphere of fear.
 - g. Lack of recognition of civilians or women and children as non-combatants.
 - h. Use of propaganda to maximize the effect of violence to achieve political or economic goals.

MARINE SAFETY MANUAL

- 6.A.7. 1. The perpetration of terrorist acts by groups whose only loyalty is to each other.

8. Terrorist Goals.

- a. Recognition. All terrorist organizations need to be recognized in order to make their ideology and demands known to the public.
- b. Legitimacy. Terrorists need to be recognized as having legitimate goals and ends. This in turn provides a support base within certain sections of the public which allows for actions to be carried out without being caught by providing safe houses and supplies.
- c. Sensationalism. This provides a means by which terrorist are recognized by a large section of the populace.
- d. Propaganda. This provides the means by which terrorists make their goals known and provide themselves legitimacy.

9. Tactics Of Terrorist Acts. The following list is not all inclusive but provides known tactics used in terrorist acts:

- a. Kidnapping/hostage taking.
- b. Barricade-Hostage.
- c. Bombing - Most utilized tactic of terrorists. If remotely detonated, prevents capture and recognition of the terrorist group until recognition is desired.
- d. Armed attack.
- e. Hijacking.
- f. Assassination.
- g. Sabotage.
- h. Pollution.
- i. Threat/hoax.
- j. Theft/break-in.
- k. Arson.
- l. Exploitation of legitimate protest movements. Can be carried out through agitation within environmental groups, unions, anti-nuclear groups, or any one of a number of other normally peaceful groups.

MARINE SAFETY MANUAL

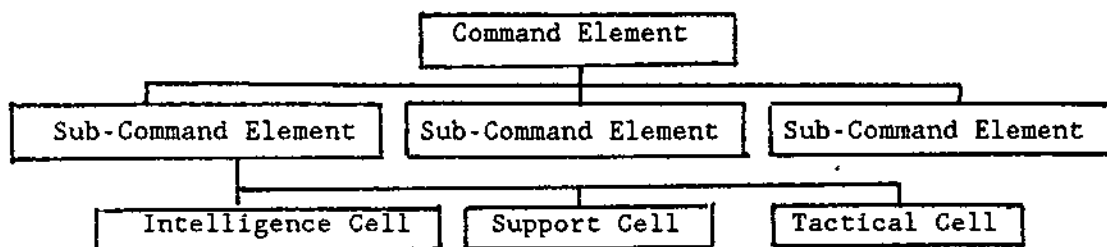
6.A.10. Phases Of A Terrorist Incident.

- a. Pre-Incident Phase. This phase involves selection of a target as well as planning, reconnaissance, and rehearsal of the initiation phase. This phase involves intelligence gathering through surveillance, target penetration and use of informants. It also involves logistical preparation including acquisition of transportation, radios, arms, ammunition, and explosives.
 - b. Initiation Phase. This phase marks the beginning of an operation. It is marked by movement to the scene, followed by perhaps the detonation of a bomb or taking of a hostage.
 - c. Negotiation Phase. This phase only applies in instance when negotiable items have been seized or when there is a trade off situation. This phase normally draws enormous attention to the terrorists and their cause.
 - d. Climax Phase. This phase marks the end of a terrorist incident. It may follow either the initiation phase or the negotiation phase. It is at this point where the terrorists have escaped. This phase may be instantaneous as in a bomb explosion or it may last days, months, or years in the case of a hostage situation where negotiations have been broken off.
 - e. Post-Incident Phase. This phase is important to the terrorists. This is the phase where the terrorists regroup and indulge in self-criticism. This critique will provide valuable input for subsequent operations.
11. Terrorist Organization. Secrecy is one of the key elements of success and can only be maintained through organization, leadership, and support. The necessary ingredients for an organized terrorist group are described below.
- a. Hardcore Leadership. All terrorist groups boast a leadership of one kind or another. The leadership is responsible for establishing the group organization, making policy, developing plans, and giving direction. In terrorist organizations, the leadership is often paranoid and fanatical and yet operates from behind a legitimate front.
 - b. Active Cadre. These are the doers. They carry out the orders of the leadership and higher commands. They are normally organized into small units or cells, each specializing in one particular tactic or conversely, each containing one expert in every field. They are usually groups of 4 or 6 individuals which assist in maintaining secrecy. Often there is only one terrorist in a cell who will know only one terrorist in another cell. The active cadre also contains the trainers.

MARINE SAFETY MANUAL

- 6.A.11. c. Active Supporters. These provide the logistical support needed to sustain a terrorist incident. They provide safe houses, food, money, weapons, ammunition, vehicles, medical support, etc. Active supporters often come from the professional classes.
- d. Passive Supporters. These are the most difficult to define and recognize. They consist of people who are sympathetic to the cause but will not stand up and be counted through the fear of becoming involved. They also consist of those who may be ignorant of the true aims of the cause and even those who are ignorant that their support is going for the good of the cause. It is passive support through which terrorists gain a majority of the support of the population. Passive supporters often provide support unwittingly in the form of cash through donations and are relied on to "spread the word."

12. Terrorist Configuration. Shown below is a typical organization of a terrorist group. Configurations are flexible and always designed to maintain secrecy.



13. Terrorist Trends.

- The level of international terrorism worldwide has continued to rise with the potential for activity remaining high.
- United States interests and citizens remain a major target for international terrorists.
- The number of attacks by type has varied little. Bombing attacks remain the preferred tactic. Arson is next, followed by armed attacks, and kidnappings.
- State support of terrorism persists. Countries that support international terrorism try to hide their involvement through use of proxies and other means.
- The longstanding trend toward increasing levels of violence and lethality continues.

MARINE SAFETY MANUAL

- 6.A.13. f. Hardening of government targets has precipitated a move by terrorist groups to attack unprotected targets and civilians.
- g. There are indications of trends toward further specialization that have been noted in certain terrorist groups, e.g., tendency for certain groups to manufacture the explosive devices to meet the specific application of another terrorist group for a fee.
- h. Terrorist group success rates continue to have excellent percentages.
- i. Based on the reaction and press interest that can be leveraged, there are indications that product contamination may become a tactic of choice in meeting political ends of terrorist groups.

B. Counterterrorism.

1. Policy, Responsibility, And Jurisdiction.

a. Coast Guard.

- (1) As indicated previously, the primary role of the Coast Guard in counterterrorism is to support those agencies formally designated to lead Federal counterterrorism activity. The Coast Guard's status as an armed force of the U.S. is viewed as ancillary to the exercise of law enforcement duties in counterterrorism matters.
- (2) Coast Guard district commanders and Captains of the Port have broad authority in situations which may affect the safety and security of ports and waterways. The Coast Guard may be called upon to assist Federal, state, or local agencies under existing agreements or under 14 U.S.C. 141. The Coast Guard must be prepared to act in traditional maritime law enforcement incidents that may not initially be recognized as terrorist incidents; we will support and assist the FBI or other agencies in terrorism response. It is the policy of the Coast Guard that the designated Federal lead agency is ultimately responsible for deciding when and whether to request Coast Guard assistance and when and whether to conclude negotiations and to employ the tactical assault option.

b. Federal Lead Agencies. The term Federal lead agency as used in this manual applies to the following agencies:

- (1) Department of Justice. DOJ is primarily responsible for dealing with domestic terrorism, including terrorism in the special maritime and territorial jurisdiction of the U.S. Investigation

MARINE SAFETY MANUAL

- 6.B.1.b. (1) (cont'd) and operational responsibility rests with the FBI, even on military installations in CONUS, except that the FAA is lead agency for law enforcement on civil aircraft in flight. To fulfill its responsibilities, the FBI has Special Weapons and Tactics Teams (SWAT Teams), trained hostage negotiators, and a specially trained Hostage Rescue Team. Coast Guard law enforcement cooperation with the FBI is delineated in a Memorandum of Understanding articulating a policy of mutual support to counteract terrorist activity in the maritime environment (1979) and in an interagency agreement covering general law enforcement activities (1980). (See volume X of the Marine Safety Manual).
- (2) Department of State. DOS has primary responsibility for dealing with terrorism involving Americans abroad, including Americans on the high seas, and for handling the foreign relations aspects of international and domestic terrorism incidents.
- (3) Secretary of the Army. The Secretary of the Army has been designated the Executive Agent for the Department of Defense in all matters pertaining to use of DOD resources to control civil disturbance, including terrorism. DOD components may respond to requests from the FBI for military resources to help combat acts of terrorism. DOD assistance may include material, facilities, and technical personnel acting in an advisory capacity. In compliance with the Posse Comitatus Act, DOD personnel may not be used for law enforcement outside a military installation without Presidential authorization, except to protect members and members-elect of Congress, and foreign dignitaries. Actual command and operational control of the troops will remain with the military. Military services with ground combat troops have assault units similar to SWAT Teams. The Naval Investigative Service has trained and experienced hostage negotiators. The Army and Navy maintain Explosive Ordinance Disposal (EOD) Teams that will assist other agencies with bomb disposal. Information and contact with special tactical forces is maintained by Commandant (G-MPS). By an MOU (1974) the Coast Guard agreed to support the U.S. Army in civil disturbance matters. The Civil Disturbance Support Plan (COGARD GARDEN PLOT)(COMDTINST M3010.14 (series)) promulgates the Commandant's policy for supporting the Army in these matters. (See also volume X of the Marine Safety Manual).
- (4) Federal Aviation Administration. The FAA is the lead agency for any law enforcement affecting safety of persons on civil aircraft in flight, including aircraft piracy incidents. Upon landing, lead agency responsibility shifts to the FBI.

MARINE SAFETY MANUAL

- 6.B.1. c. State/Local Law Enforcement. State and local agencies do not normally have the lead in terrorist incidents, however, they may provide the first law enforcement assets on scene. Although resources will vary from one jurisdiction to another, in most cases both trained negotiators and SWAT Teams are available. Additionally, state and local agencies frequently have EOD teams although they may prefer not to work with military devices if a military EOD option is available. The skills that state and local law enforcement agencies possess should be known by the COTP.
- d. Multinational. The United States is signatory to two international agreements that call for protection of foreign dignitaries; one agreement is through the Organization of American States, the other is through the United Nations. Enabling legislation for these agreements authorizes the Attorney General to request assistance from other agencies, including the Army, Navy, and Air Force. Congress has granted almost identical authority to the FBI to request military assistance to investigate serious crimes against members and members-elect of Congress. These two laws provide exceptions to the Posse Comitatus Act. In addition, in 1986 the Vice President's Task Force on Combatting Terrorism charged the State Department with seeking extradition treaty revisions to close loopholes created by existing treaties that preclude the turning over of fugitives wanted for "political offenses." The result has been the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. This International Maritime Organization Convention contains four elements: definition of what constitutes an offense, definition of applicability, establishment of jurisdiction over an offense, and imposition of the "extradite or prosecute" principle. The Convention has been submitted to the President and Senate for ratification.
- e. Facility/Vessel Owner/Operator Responsibility. Primary responsibility for security of a private or commercial vessel or facility rests with the owner/operator. When confronted with an incident clearly beyond his control, an operator can request and reasonable expect local, state, and/or Federal assistance, subject to various jurisdictions.
2. Planning And Response Considerations.
- a. General. Commandant Note 16602 of 23 January 1984, titled Maritime Counterterrorism (MCT) Contingency Plan Model, transmitted to district commanders a model generic plan which could be adapted and used to prepare district and local maritime counterterrorism contingency plans. The model was developed to assist the district commanders and COTP's in preparation of the plans.

MARINE SAFETY MANUAL

- 6.B.2. b. Response Objectives. The primary objectives of a response to a terrorist incident are: (1) to preserve lives; (2) to protect the public by securing the scene of an incident; and (3) to obtain the safe release of hostages. Secondary and enabling objectives are: (4) to protect property and the environment; (5) to enforce applicable law and preserve the integrity of evidence gathered; (6) to manage the flow of information to the press and public during the incident to protect hostages and response personnel from premature or ill-advised media disclosure, that could adversely impact response effectiveness; and (7) to avoid giving the impression that the government can be intimidated by terrorists.
- c. Counterterrorism Planning. The following elements should be considered when developing or updating the counterterrorism contingency plan:
- (1) Local history of terrorist activity;
 - (2) Local geography;
 - (3) Maritime and land transportation;
 - (4) Waterfront facilities;
 - (5) Military essential and critical commercial facilities;
 - (6) Offshore energy production facilities;
 - (7) Highly vulnerable areas; and
 - (8) Areas or objects of national or historical significance.
- d. Intelligence. The collection of intelligence and reporting thereof will be in accordance with COMDTINST C3821.5A and appropriate directives. Requests for specific intelligence support will be forwarded for action per COMDTINST 3810.2 and COMDTINST C3821.5A. Requests for analytical intelligence support will be coordinated with the Intelligence Coordination Center (ICC) and the Intelligence Division, Office of Law Enforcement and Defense Operations (G-OIN).
3. Response Organization. A terrorist incident may occur without warning and be over by the time we learn of it. It is also very possible that we may respond to a port emergency, e.g., a waterfront facility fire, and not realize the fire was the result of a terrorist act until our responders arrive on scene. As soon as it appears the incident may be terrorist related, the FBI and local police shall be notified. District commanders and COTP's are encouraged to establish local counterterrorism response MOU's with the FBI Special Agents in Charge (SAC's) of FBI regions in their districts.

MARINE SAFETY MANUAL

- 6.B.3. (cont'd) In an ongoing terrorist incident careful coordination among response agencies is required. To accomplish this, the following organization will be implemented:
- a. Terrorism Response Coordinator (TRC) Designation. The COTP will normally be predesignated as the TRC for his zone and offshore marine safety region by the district commander.
 - b. A Regional Command Post (RCP) will be established by the COTP at a designated location agreeable to the COTP and the FBI Special Agent in Charge (SAC). As appropriate, a Forward Command Post (FCP) will be established at or near the scene of the incident.
 - c. A Crisis Management Team (CMT) will be established at the regional command post. Minimally, the command post will include the COTP, a senior FBI official appointed by the SAC, and a representative of the facility or vessel involved. It may also include liaison personnel from Coast Guard units, state police, local law enforcement agencies, DOD, fire departments and any other emergency response agencies involved. All agencies will maintain control of their own forces, unless two or more agencies agree in advance to operate their forces under one command.
 - d. A Federal Forces Commander (FFC), will be designated by the crisis management team and is usually the senior FBI agent on scene. The FFC coordinates Federal forces at the scene of the incident. When a situation is identified as a maritime terrorist event and the event is within Coast Guard jurisdiction, the TRC may, on behalf of the pertinent agency, designate a member from his command to serve as FFC for Federal response. The use of a Coast Guard FFC does not in itself constitute a commitment to use additional Coast Guard forces in response activity. The following parameters for designation of a Coast Guard FFC apply:
 - (1) No other suitable FFC is available;
 - (2) Time is of the essence; or,
 - (3) Performance of FFC is by prearrangement with the designated Federal lead agency.
 - (4) Where a Coast Guard member is performing as FFC and until counterterrorism specialist services are available, a "passive response" posture, that is, containment and isolation of the event, will be maintained to the extent possible. However, this policy in no way preempts the use of force under COMDTINST M16247.1. Except where deteriorating circumstances demand

MARINE SAFETY MANUAL

- 6.B.3.d. (4) (cont'd) immediate unilateral decision making by the FFC, all major crisis management decision making will be coordinated with the designated lead agency at the appropriate institutional level. Coast Guard FFC's will coordinate with the designated lead agency in accordance with specific communications, command and control policy between Coast Guard districts and FBI regional offices, or through Coast Guard Headquarters (Flag Plot/Response Cell) to FBI Headquarters (Crisis Management Team), as appropriate.

4. Operational Response Phases.

a. Awareness Phase.

- (1) Receive initial word of incident and record information.
- (2) Evaluate information to determine whether it is a terrorist incident.
- (3) Continue receiving and evaluating information.
- (4) Advance to initial response phase upon determination that a terrorist incident is in progress in CG jurisdiction.

b. Initial Response Phase.

- (1) Act to contain the incident. For example, establishing a safety/security zone and dispatching vessels and personnel to enforce it.
- (2) Quickly notify appropriate local response agencies to summon assistance.
- (3) Notify Flagplot.
- (4) Activate the RCP, including the press area.
- (5) Continue to obtain information to document what has happened and to assist the CMT's management response.
- (6) Until the FBI can arrive on-scene, the Coast Guard should establish a communication link with the terrorists and try to stabilize the situation through communication. The Coast Guard point of contact should be a mature petty officer or, at most, a mature junior officer. The Coast Guard point of contact should not be a senior officer, because we must avoid giving any impression that the spokesperson has the authority to act on the terrorists demands. Since most Coast Guard personnel are not trained hostage negotiators, observe these cautions:

MARINE SAFETY MANUAL

- 6.B.4.b. (6) (a) Do not antagonize the terrorists;
- (b) Do not promise anything; and
- (c) Do not take any other action that could compromise further actions of the trained negotiation team.
- (7) Commence planning to support a possible assault. Obtain facility plans, information about hostages and terrorists, interview previous workshift personnel and witnesses, and monitor both terrorist demands and concessions by the terrorists and government.

c. Negotiation Phase.

- (1) The negotiation team will negotiate with the terrorists to: de-escalate the incident, secure the release of hostages, secure the safety of property, and obtain the surrender of the terrorists. The FBI will be responsible for negotiations and will be guided by FBI standard procedures, the CMT, FBI Crisis Management Center and any higher authority - such as the Attorney General or White House CMT - that chooses to act.
- (2) The Coast Guard, through the COTP will:
- (a) Maintain the waterside perimeter at the scene;
- (b) Provide logistic support to the FFC as appropriate; and
- (c) Direct Coast Guard action in cooperation with the SAC FBI.
- (3) During this phase, the CMT will direct planning for assault, to be executed only if negotiation fails. Response will move to the assault phase only at the decision of the SAC FBI or the senior FBI official at the RCP. Before Coast Guard personnel are used in any capacity in an assault, the SAC is to be advised of the limitations or the qualifications of Coast Guard personnel to perform as an assault force member and the COTP must concur in the decision to assault.

d. Assault Phase.

- (1) The FBI will coordinate planning among organizations which might be involved in an assault.
- (2) Personnel designated by the FBI will assault the scene with these objectives:

MARINE SAFETY MANUAL

- 6.B.4.d. (2) (a) To secure the safe release of hostages;
- (b) To capture the terrorists; and
- (c) To secure the facility from damage.
- (3) The Coast Guard and other agencies on scene will support the FBI designated assault personnel as requested by the FBI.
- e. Incident Conclusion. Following either a successful negotiation or the assault phase, the following actions shall be taken:
- (1) The Coast Guard will:
- (a) See to the well-being of the hostages by providing or arranging emergency medical care, transportation to medical facilities, notification of relatives, delivery to state or local agencies for care or escort home, delivery of any deceased to state or local authorities for custody and notification of next of kin;
- (b) Assist FBI, if requested, in contacting EOD to make certain the facility is safe;
- (c) Return control of foreign flag vessels to authorized agents of the foreign governments;
- (d) Discontinue safety/security zone;
- (e) Provide water and air transportation to return personnel from the incident scene;
- (f) Refuel and resupply all vessels, aircraft, and vehicles and return them to scheduled operations status;
- (g) Debrief CG personnel for case documentation and cooperate with FBI debriefing of CG personnel for eyewitness accounts;
- (h) Compile case documentation and submit final SITREPS;
- (i) Issue statement to press jointly with FBI; and
- (j) Deactivate the FCP and RCP.
- (2) The FBI;
- (a) Will make arrests and see that prisoners are incarcerated;

MARINE SAFETY MANUAL

- 6.B.4.e. (2) (b) May secure the facility until the FBI completes a search for physical evidence;
- (c) Will debrief its personnel and may question CG personnel; and
- (d) Will pursue investigation for prosecution of suspects.

5. Coordinating Instructions.

a. Delegation Of Authority.

- (1) The district commander shall delegate to the COTP the responsibilities of the TRC.
- (2) The OSC designated by the TRC should be delegated authority to coordinate Coast Guard activities on scene, to establish a perimeter on the waterside of the scene to contain the incident, and to support the lead agency's actions on scene - all within the guidelines of the Maritime Counterterrorism Contingency Plan or as directed by the TRC.

b. Command And Control.

- (1) Coast Guard forces will normally operate under the direct control of a Coast Guard officer or petty officer. Should a Federal military task force be committed under the Civil Disturbance Response Plan, Coast Guard forces may be assigned by the district or area commander to report operationally to the task force commander. Coast Guard forces will not be placed under the control of state or local authorities, or officials of the National Guard not in the Federal service.
- (2) FBI personnel will normally remain under direct FBI control.
- (3) State and local agencies will retain control of their own forces unless they agree otherwise with another agency. No Coast Guard personnel will exercise direct control over any state or local personnel.

c. Coast Guard/Federal Agencies. The Coast Guard and the FBI have a national-level working agreement on cooperation in law enforcement actions in general, and a Memorandum of Understanding regarding terrorist response at the national level.

d. State/Local Agencies. Points of contact with the state police, the port authority police, the harbor police, the fire department, and sheriffs offices for counties in the COTP zone should be established.

MARINE SAFETY MANUAL

- 6.B.5. e. Termination Of Activities. Unless directed by the district commander or higher authority, once operations have begun, they will not be terminated until the situation is under control - the hostages safe, the criminals subdued, and the vessel and/or facility secure.

6. Public Information.

a. Advance Planning.

- (1) The Public Affairs Officer (PAO), in coordination with the district PAO, shall develop a contingency plan for mobilizing a public affairs staff in the event of a terrorist incident.
- (2) The PAO shall establish and maintain contacts with local counterparts at FBI and other agencies that may be involved with the Coast Guard in response to a terrorist incident. The PAO and these contacts should plan for local media relations to be used in joint operations.
- (3) The PAO shall establish and maintain contacts with the media in the local area. These contacts should serve as a basis for discussion of media coverage and Coast Guard service to the media in a terrorist incident.

b. Public Affairs Action. In addition to the guidance provided in the Public Affairs Manual (COMDTINST M5728.2A) the following action should be taken in the event of a terrorist incident:

- (1) In the event of a brief incident the PAO shall prepare and issue a news release at the conclusion of the incident.
- (2) In the event of an ongoing/hostage-holding incident, the PAO should, with the approval of the FBI SAC and TRC:
 - (a) Establish a media center which should be at the RCP, if possible, but in a space separate from the CMT and the operations center;
 - (b) Provide space sufficient to accommodate local reporters and several regional or national media representatives, and sufficient space for media briefings or news conferences;
 - (c) Consider sites with sufficient outside area to accommodate mobile vans and equipment;
 - (d) Assure a power supply sufficient to operate office equipment; e.g., portable tape recorders, radio and TV monitors, and room lighting;

MARINE SAFETY MANUAL

- 6.B.6.b. (2) (e) Provide telephone accessibility for media use at such locations that their use won't degrade operational effectiveness;
- (f) Consider use of portable communications by public affairs personnel to facilitate public affairs activities;
- (g) Provide, if advisable, a system for positive identification of media personnel;
- (h) Attempt to provide adequate restroom facilities;
- (i) Attempt to provide access to food, refreshments;
- (j) Request a military or police chaplain, to provide comfort to hostage families;
- (k) If possible, provide typewriters, small copiers, audio and video tape recorders, and office supplies. Such equipment should be kept in standby condition and easily transportable to the media center; and
- (l) If possible, arrange transportation for news media. This may include transportation for public affairs activities, such as delivery of exposed film to a photo lab or news agency for processing, or use of a small boat and boat crew to provide transportation to waterborne locations. It is desirable to have at least one motor vehicle reserved for public affairs use. Providing this assistance can encourage the press to work at the media center and/or within established locations.

c. Media Relations.

- (1) The public affairs goal is to assure legitimate press access to event information, while preventing situations in which responses to media inquiries might compromise law enforcement plans or operations, and situations in which media disclosures might "force the actions" of response personnel.
- (2) One of the main objectives of terrorists, especially the politically motivated, is to publicize their cause. They may demand publicity or direct contact with the media. The response to such demands is the responsibility of the CMT, but the PAO must consider the following:
- (a) Terrorists often injure and kill hostages to gain publicity;

MARINE SAFETY MANUAL

- 6.B.6.c. (2) (b) Publicity may reveal tactics of response forces to the opponent;
- (c) Refusal to release information to the media can result in the publication of inaccurate or incomplete information; and
- (d) Allowing media personnel to communicate directly with the opponent may aggravate the situation, endangering lives.
- (3) Freedom of the press will not be violated. Since in many instances the media may play a key role in the resolution of a terrorist incident, it is important for the PAO and the TRC to seek their trust and cooperation by maintaining an honest and open relationship with the media within guidelines given by FBI SAC. The press can be a great help to the counterterrorism response effort, if they convey to the public the impression that the suspects are criminals, rather than martyrs or heroes.
- (4) Members of the press must be encouraged to work at the media center/command post, and not to communicate directly with suspects without the clearance of the CMT.
- (5) Awareness by the media of their responsibilities has resulted in the issuances of guidelines by at least two major news organizations, United Press International and CBS News. PAO's should be familiar with these guidelines in working with the media.
- (6) If found by law enforcement authorities to be violating the operational control of the situation, members of the press must be treated as any other citizen found jeopardizing the response operation.
- (7) After the onset of an incident, inquiries may be received prior to establishment of the RCP. Public affairs personnel should respond factually, consistent with security considerations and with the clearance of the TRC. The objective is to give the media known facts and discourage rumors and conjecture. At all times avoid opinion and speculation. Factual information would be that an incident is occurring, the time and location, and that actions are being taken or coordinated with other agencies.
- (8) If an ongoing incident is identified, Commandant (G-CP) should be contacted for guidance, whenever possible, prior to any release or official statement. When working with the FBI, releases should be made under a prearranged plan to include consideration by the FBI before a release is made.

MARINE SAFETY MANUAL

- 6.B.6.c. (9) The CMT must approve:
- (a) News releases.
 - (b) Entry of media into a safety or security zone or through a police cordon. Media personnel should be advised their safety cannot be guaranteed to be without risk. In no case should public affairs personnel be used as bodyguards or ordered to enter the crisis area.
 - (c) Requests by media to view or monitor communications with suspected criminals.
 - (d) Requests by media or suspects for direct communication with each other. If the CMT allows a press interview with the suspects:
 - (i) The reporter will be briefed by the PAO concerning the situation, status of negotiations, and mental state of opponents.
 - (ii) The reporter must provide all proposed questions to the CMT officer, and only approved questions will be asked. The final interview format will constitute an agreement between the reporter and the CMT.
 - (iii) A representative of the CMT will be present during the interview, and will attempt to terminate the interview if the reporter violates the agreement or asks questions not approved by the CMT.
- (10) The PAO will coordinate all interviews with Coast Guard response personnel.
- (11) The PAO will arrange media briefings, to be given by members of the CMT, OSC, himself, or others.
- (12) The PAO may release official CG photographs, motion pictures, or video tape to the press. Other agencies may release their pictorial material through the PAO, if they wish.
- (13) The PAO, in consultation with the CMT, may establish policy on permitting use of pool reporters in security or safety zones, use of high intensity lighting and other obtrusive equipment by the media, and media use of recording devices, video tape, motion picture and photography equipment.

MARINE SAFETY MANUAL

6.C. Anti-Terrorism.

1. Policy, Responsibility, And Jurisdiction.

- a. Coast Guard. As indicated previously, the primary role of the Coast Guard in anti-terrorism is to reduce the risk of a maritime terrorist incident by reducing the vulnerability of ships and facilities through implementation of preventive security measures and procedures.

- (1) Current policy is to promote voluntary implementation and compliance with the IMO measures. It is hoped that voluntary action will preclude the need for mandatory regulations under the authority of the Omnibus Diplomatic Security and Anti-terrorism Act of 1986, Public Law 99-399.

- (2) Although the greatest emphasis on anti-terrorism has been with the passenger vessel industry, security measures and procedures should apply equally to all vessels and facilities.

- b. Multinational. There is no multinational agency to control anti-terrorism activities. However, the International Maritime Organization has published a set of recommended measures that were unanimously adopted and promulgated to the 127 member governments for their use in implementing improved security measures.

- c. Facility/Vessel Owner/Operator Responsibility. Primary responsibility for security of a private or commercial vessel or facility rests with the owner/operator (33 CFR 6.19-1). As such, they are responsible for implementing adequate physical and procedural security measures to prevent or deter acts of terrorism.

- 2. Security Surveys. P.L. 99-399 requires the Department of Transportation to report annually to Congress on the threat from acts of terrorism to U.S. ports and vessels operating from those ports. Since threat assessments are accurate only at the time of completion and can change rapidly, this report has been broadened to include the status of implementation of security measures and vulnerability assessments. This results in a more accurate picture of the risk from terrorism. In order to complete the report by its due date of 28 February in a given calendar year, COTP's shall provide the results of security surveys and vulnerability assessments for their area of responsibility to their district commander no later than 01 November of the preceding calendar year. District commanders shall compile the information for their respective COTP's and submit to Commandant no later than 15 November. (See chapter 2 of this volume, Port Physical Security, for security surveys and vulnerability assessments).

MARINE SAFETY MANUAL

6.C.3. Terrorist Threat Conditions (THREATCON). Terrorist threat conditions consist of a series of four designations describing progressive levels of terrorist threat to U.S. military facilities and personnel. Their prime purpose is to quantify the various levels of terrorist threats and improve coordination and mutual support in anti/counterterrorism activities. Although THREATCONS address threats to military facilities and personnel, they may be used as an indicator of terrorist activity or presence in a given location. If the military facilities or personnel provide too difficult a target for the terrorists they may revert to alternative civilian targets. The THREATCON level as well as the modus operandi of a terrorist group can be most useful in preparing for various contingencies. The progressive levels of THREATCONS are discussed in chapter 5 of the Coast Guard Physical Security Manual (COMDTINST M5530.1). They are:

- a. Alpha. General threat of possible terrorist activity against installations and personnel, the nature and extent of which are unpredictable, and the circumstances do not justify full implementation of THREATCON Bravo. Measures implemented must be capable of being maintained indefinitely.
- b. Bravo. An increased and more predictable threat of terrorist activity exists. Measures implemented must be capable of being maintained for weeks without causing undue hardship, without affecting operational capability, and without aggravating relations with local authorities.
- c. Charlie. An incident occurs or when intelligence is received indicating that some form of terrorist action against installations and personnel is imminent. Measures implemented for more than a short period will probably create hardship and will affect the peacetime activities of the unit and its personnel.
- d. Delta. Applies in the immediate area where terrorist attack has occurred or when intelligence has been received that terrorist action against a specific location is likely. Normally this THREATCON is declared as a localized warning.

Additional information on THREATCONS, and the measures to be implemented under each level, is found in the Physical Security Manual, COMDTINST M5530.1.

D. Piracy.

1. Piracy is a universal international crime, one of those few acts which is considered to violate the law of nations. Pirates are international criminals subject to the universal jurisdiction of the world's nation states. Pirates continue to threaten commerce on the seas and are active today in such places as the Gulf of Thailand, the Straits of Malacca, and off the west coast of Africa.

MARINE SAFETY MANUAL

- 6.D.2. The definition of piracy (section I.D.4 of this chapter) contains two essential limitations: the acts must involve two vessels in international waters or aircraft, and the acts must contemplate private objectives or gains. A substantial problem is over the issue of whether the "private ends" requirement excludes acts, otherwise piratical, committed for public purposes by a politically motivated group. It is generally accepted under international law that piracy does not include criminal acts undertaken for purely political motives. Incidents perpetrated for political purposes, like the 1961 forcible takeover of the Portuguese ship SANTA MARIA in the Caribbean by the insurgent Captain Galvao, and the 1985 terrorist hijacking of the Italian liner ACHILLE LAURO by Palestinians, are not examples of piracy. They involved no second ship and were not for "private ends."
3. The definition of piracy is limited and does not include many modern-day forms of violence at sea. Terrorism and armed conflict must be addressed under other international legal regimes. The focus today is not on expanding the definition of piracy, but rather in dealing with these other types of criminal activity.
4. The renewed interest in commission of acts of piracy resulted in a need for a reliable and central reporting system to receive reports of maritime crimes against life and property (including piracy). In response to the need, the Defense Mapping Agency (DMA) developed an Anti-Shipping Activity Message (ASAM) file to receive and hold information on incidents of piracy and other maritime crimes. ASAM is a relatively new DMA database within the agency's Automated Notice to Mariners System (ANMS). Both ASAM and ANMS are part of DMA's Navigation Information Network (NAVINFONET). The system exists to complement a Ship Hostile Action Report (SHAR). The ASAM reduces the time delay in reporting incidents thereby increasing the effectiveness of response by respective government agencies and providing timely warning to other mariners transiting the affected geographical area.

E. Civil Disturbance.

1. Coast Guard Involvement In Maritime Labor Disputes.

- a. Coast Guard's Obligation. The Coast Guard's marine safety efforts can be impaired by maritime labor disputes. These can be of vital concern to the port and to the Coast Guard, particularly when necessary services are disrupted. The Coast Guard's obligation to perform assigned missions is not waived or lessened by a labor dispute. Congressional mandates under the Magnuson Act and the Ports and Waterways Safety Act provide the Coast Guard with broad authority to control or direct vessel traffic and authority to take necessary actions to assure the safety of vessels and waterfront facilities.
- b. COTP Preplanning. Through preplanning and coordination the COTP can provide for the safe transit of vessels without interfering with the

MARINE SAFETY MANUAL

- 6.E.1. b. (cont'd) rights of unions to demonstrate. Preplanning may be conducted through use of established interagency response organizations, e.g., the security subcommittee of a Port Readiness Committee (for more details on the PRC refer to chapter 4 of this volume) or with unions and local law enforcement agencies. Unions or individuals desiring to use a navigable waterway for picketing or protests may be required to obtain a regatta permit from the district commander in accordance with 33 CFR 100.30. Judicious employment of security and safety zones may limit the impact of labor disputes on the navigability of the waterway, without interfering with a visible forum for those in the dispute to exercise their freedoms of speech and assembly. By monitoring the labor situation, the COTP can prepare local orders to control or supervise vessel movements within a specific area immediately upon interruption of normal service. [NOTE: The normal services of tug operators and pilots may be interrupted should they decline to cross the picket line of another union or go on strike in sympathy. Consequently, it may be helpful for the COTP to inquire about their anticipated reaction.] To ensure safety and security of the port, the COTP can impose requirements on vessels, require permission be given by the COTP prior to moving a vessel, establish one-way or limited vessel traffic patterns and other measures deemed necessary. Work slowdowns and stoppages by longshoremen can increase the number of vessels in a port area. This may require the COTP to enforce anchorage regulations more aggressively than usual, and possibly to issue other orders to minimize the effects of vessel congestion in the port area. It is important for the COTP to remain neutral in the conflict, clearly explain the Coast Guard's responsibilities for marine safety to both union personnel and management, and discuss Coast Guard obligations to enforce regulations and orders.
- c. Picket Lines. When Coast Guard personnel are required to cross a picket line to perform an assigned mission, the person directing the picket line should be courteously informed that the marine safety personnel are on official business of the Coast Guard. In such cases, it may be appropriate for Coast Guard personnel to show their identification cards. In addition, it may be advisable to reschedule a visit, especially when picketing or strike methods have been characterized by violence. In any event, 18 U.S.C. 111 states: "Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in Section 1114 of this title while engaged in or on account of the performance of his or her official duties shall be fined not more than \$5,000, or imprisoned not more than three years, or both..." "Whoever, in the commission of such acts uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both."

MARINE SAFETY MANUAL

- 6.E.1. d. Armed Personnel. When armed or acutely hostile members of the public are encountered in an environment involving peacetime law enforcement operations, e.g., enforcement of security or safety zones, Coast Guard personnel shall not hazard themselves in protecting a vessel or facility, and shall withdraw to avoid confrontation if necessary. Local law enforcement officers have primary jurisdiction, and should be notified and called to the scene as soon as such a situation develops. [NOTE: Reasonable efforts should be made to identify anyone who violates an established safety or security zone and the course of action outlined above should be observed even if Coast Guard personnel are armed.]

